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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/049,288 03/26/98 COUTURE

L 81862.P082

EXAMINER

WM02/0815

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VII, H

ART UNIT

PAPER NUMBER

2663

DATE MAILED:

08/15/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/049,288

Applicant(s)  
Couture

Examiner  
Huy Vu

Art Unit  
2663



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on May 29, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-7, 14-21, 25, 26, 29, 30, 35-39, 41, 44, 45, 49-52, 54, 57, and is/are rejected.
- 7) ☒ Claim(s) 2, 3, 8-13, 22-24, 27, 28, 31-34, 40, 42, 43, 46-48, 53, 55, 56, 58-t is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

1. The indicated allowability of claims 1, 4-7, 14-21, 25-26, 29-30, 35-39, 41, 44-45, 49-52, 54, 57 and 61, is withdrawn in view of the newly discovered reference(s) to Kaewell, Jr. et al (USP 5,436,955). Rejections based on the newly cited reference(s) follow.

#### *Claim Rejections - 35 U.S.C. § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4-5, 7, 14, 18-20, 25, 29-30, 35, 37-39, 41, 44-45, 50-52 and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaewell, Jr. et al (USP 5,436,955).

Regarding claims 1, 25, 41 and 54, Kaewell teaches a method for supporting DSP of a plurality of data types comprising the steps of continuing broadcasting a plurality of firmware algorithm to a plurality of DSP engines over a channelized serial bus (T1), selectively monitoring and receiving at least one firmware algorithm of the plurality of algorithm by at least one DSP engine wherein the at least one firmware algorithm is used to process data of at least one corresponding data type received by the at least one DSP engine over at least one data line ().

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Regarding claims 4, 29 and 44, the channel unit having the DSP engine which is configured as analog or digital channel unit is capable of communicating bidirectionally with the local telephone company central office in PCM format (see col. 2, line 62 to col. 3, line 8).

Regarding claims 5, 30 and 45, bidirectional host bus is depicted in figure 3.

Regarding claim 7, the channelized serial bus (T1) has at least eight channels.

Regarding claims 14, 19-20, 38-39 and 51-52, each T1 voice channel carries traffic (DSP firmware) to one RAM for one DSP (see col. 3, lines 52-68).

Regarding claims 18, 37 and 50, each DSP engine handles at least one channel.

Regarding claims 35, figure 1 shows the interconnection between the mobile switching center and the PSTN from which multiplexed data would be transmitted to the base station via the mobile switching center.

### ***Claim Rejections - 35 U.S.C. § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 15-17, 21, 26, 36, 49, 57 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaewell, Jr. et al (USP 5,436,955).

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Regarding claims 6, 15-16, 21, 26, 57, the DSP algorithms are broadcasted to the DSP engines (11-14) from a firmware source via SPDF interface 32, logic 31 and bus 30 (see col. 4, lines 14-21). Although Kaewell does not specify that the firmware source is a master DSP engine, it would have been obvious to one of ordinary skill in the art at the time the invention was made to with the motivation being to use a master DSP engine as the firmware source for providing the DSP engine with the DSP firmware with the motivation being to facilitate DSP transmission control.

Regarding claims 17, 36, 49 and 61, Although Kaewell does not specify that wireless traffic can comprise data, voice data, audio data, video data and facsimile data, such data types are considered old and well known in the art of wireless communications for the purpose of supporting various communication needs. Thus, it would have been obvious to one skilled in the art to provide Kaewell's system with traffic comprising data, voice data, audio data, video data and facsimile data with the motivation being to support various communication needs.

6. Claims 2-3, 8-13, 22-24, 27-28, 31-34, 40, 42-43, 46-48, 53, 55-56, 58-60 and 62 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

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**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

**Or:**

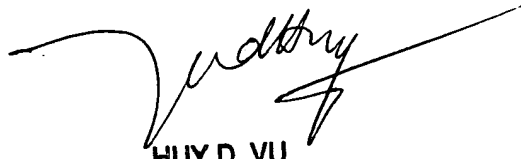
(703) 308-5403 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Vu whose telephone number is (703) 308-6602. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 8:00 a.m. to 4:00 p.m. The examiner can also be reached on alternate Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen, can be reached on (703) 308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



HUY D. VU  
PRIMARY EXAMINER